

REMARKS

The Office Action dated July 12, 2005 has been carefully considered. Claims 1-5 and 8-25 are pending in the application, with claim 1 being the only independent claim. The claims have been amended. Claims 6-7 have been canceled, without prejudice. Reconsideration of the application, as amended herein and in view of the following remarks, is respectfully requested.

Claim 1 was rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,588,258 (Wright) or U.S. Patent No. 4,903,435 (Bittmann).

Claim 1 has been amended to include the additional limitations recited in claims 6 and 7. An embodiment of the additional limitations recited in claim 7 is explained in detail in paragraphs [0058] and [0059] of the specification.

Applicant respectfully submits that claim 1 as amended is not anticipated by Wright or Bittmann because neither Wright nor Bittmann discloses, either expressly or inherently, each and every element as set forth in claim 1.

In particular, Wright does not disclose (1) a push/pull rod having a second end which is movable along a guide path on either the movable part or the base part; (2) first and second cables which are operable to pull the second end of the push/pull rod in two directions on the guide path; or (3) at least one of the cables being connected to the second end of the push/pull rod by at least one deflection pulley.

Wright employs a strut 20, which includes a moving link 39, and a fixed link 38 slidably received within the moving link 39. See col. 2, lines 36-38; Figs. 1-5. The top end of the moving link 39 is pivotably attached to a movable part, such as a tailgate 17, while the low end of the fixed link 38 is pivotably attached to a base part, such as a vehicle 10. See col. 2, lines 27-35. The moving link 39 is movable with respect to the fixed link 38 along its longitudinal axis by cables 24

and 25 via a chain 61, a sprocket 51 rotatably fixed to the fixed link 38, and a connector 58 fixed to the low end of the moving link 39. See col. 2, lines 36-66; Figs. 2-5. Thus, in Wright the guide path is on the strut 20, not on the movable part or the base part, as recited in amended independent claim 1. Furthermore, since the Examiner treated the Wright's strut 20 as the push/pull rod of independent claim 1 (Office Action, page 2), the second end of Wright's strut 20 (i.e., the low end of the fixed link 38) is not movable along the guide path as required of the push/pull rod of independent claim 1. Nor is the second end of Wright's strut 20 connected to the cable as required in independent claim 1, let alone being connected to one of the cables by a deflection pulley, as recited in independent claim 1 as amended.

In contrast, in amended claim 1, the guide path is on either the movable part or the base part, and the second end of the push/pull rod is movable along the guide path. First and second cables are operable to pull the second end of the push/pull rod in two directions on the guide path. Furthermore, at least one of the cables is connected to the second end of the push/pull rod by a deflection pulley. For these reasons, the rejection of claim 1 in view of Wright should be withdrawn.

Referring now to the rejection of the claims in view of Bittmann, in Bittmann, both ends of a control cable 20 are directly attached to a slide block 4. See Fig. 1. There is no teaching or suggestion of a connection by a deflection pulley. In contrast, in amended claim 1, at least one of the cables is connected to the second end of the push/pull rod by a deflection pulley.

Furthermore, in Fig. 1 of Bittmann, cable pulley 24 is coupled to and driven by an electric motor 25. See col. 2, line 66 to col. 3, line 3. Similarly, cable pulleys 56 and 57 (of Figs. 7 and 8) are coupled to and driven by a common drive 12. See col. 5, lines 44-55. Thus, each of the cable pulleys 24, 56 and 57 in Bittmann functions like the cable drum of applicant's

claim 1. Bittmann does not disclose or suggest the structure recited in amended claim 1. In contract, in amended claim 1, the first deflection pulley guides at least one of the cables, and a separate cable drum is provided for winding the cables. In view of these differences, withdrawal of the rejection of amended claim 1 in view of Bittmann is respectfully requested.

Dependent claims 2-5 and 8-25 are patentable for at least the same reasons that independent claim 1 is patentable, as well as for the additional limitations recited therein.

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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